

# EXHIBIT 27

**U.S. Department of Labor  
Office of the Solicitor**

201 Varick Street, Room 983  
New York, NY 10014  
Phone: (646) 264-3650  
Fax: (646) 264-3660



February 14, 2023

Sami Asaad and Marissa Vitolo, FordHarrison

David Seligman, Juno Turner, and Valerie Collins, Towards Justice

Patricia C. Kakalec and Hugh Baran, Kakalec Law PLLC

Anna P. Prakash and Matthew C. Helland, Nichols Kaster PLLP

By electronic mail

Dear Counsel:

The U.S. Department of Labor is aware of the litigation captioned *Benzor Shem Vidal v. Advanced Care Staffing, LLC*, Case No. 22-cv-5535, pending in the U.S. District Court for the Eastern District of New York, and in particular the allegation that the Defendant's demand to recoup certain costs from the Plaintiff violates the Fair Labor Standards Act. We are also aware that the Court has set an expedited briefing schedule on Vidal's motion for a preliminary injunction, and that the parties' filings have noted the possibility that developments in the *Vidal* case may impact other pending arbitrations raising similar issues.

As you know, the Secretary of Labor has authority under Section 16(c) and Section 17 of the Fair Labor Standards Act to recover damages including unpaid wages and liquidated damages, and to seek appropriate injunctive relief.<sup>1</sup> Consistent with that authority, as the parties are also aware, the Department's Wage and Hour Division has opened an investigation regarding Advanced Care Staffing. As of the date of this letter the Department has not yet reached a final determination regarding what action (if any) it may take with respect to any of the factual or legal issues raised in the *Vidal* litigation, or otherwise with respect to any investigation findings. Nonetheless, given the recurrence of the issues and the briefing schedule in the *Vidal* case, we are sharing this current status information.

While there are limits on the information we can share before any final determination has been made, we will endeavor to provide information to the parties to the extent possible in the event of any developments. You may contact the undersigned counsel at 646-264-3687 with questions.

Sincerely,

Jeffrey S. Rogoff  
Regional Solicitor

BY: /s/ Jason Glick  
Jason Glick, Senior Trial Attorney

cc: Nicolle L. Jacoby and David Kelley, Partners, Dechert LLP  
Debbie O. Lau, Assistant District Director, Wage & Hour Div., N.Y.C. District Office

---

<sup>1</sup> When the Secretary brings FLSA claims in U.S. District Court, the New York Regional Solicitor's Office is the office that typically litigates claims arising in New York.